

PATENT
USSN: 10/077,638

JUL 21 2006 Docket No. 1232-4821

REMARKS

Applicants respectfully request reconsideration of this application in view of the foregoing amendments and the following remarks.

Claim Status

Claims 1-8 and 10-14 are pending in this application. Claim 10 has been amended. No new matter has been added by this amendment.

Telephonic Interview

Applicants' attorney would like to thank the Examiner for extending the courtesy of conducting a telephonic interview on July 17, 2006. The Applicants' attorney requested the telephonic interview to address an apparent discrepancy in the Examiner's April 21, 2006 Final Office Action. Specifically, in the Final Office Action the Examiner rejected claims 1 and 10-14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,593,999 issued to Hosaka ("Hosaka"). At page 3 of the Final Office Action, the Examiner set forth the grounds for this rejection stating that Hosaka discloses a pressing apparatus comprising:

a press-fixing unit (9) adapted to prevent rotation between said hinge unit and said original pressing plate (B) by pressing said original pressing plate and said hinge unit into contact in a *rotational axial direction*, wherein said press-fixing unit is capable of releasing a press-contact state (figs. 1 & 2, col. 5 lines 25-57).
(emphasis added)

During the telephonic interview, Applicants' attorney pointed out that the Examiner's grounds for this rejection appeared to be incorrectly based on the original claim language which specified:

a press-fixing unit adapted to prevent rotation between said hinge unit and said original pressing plate by pressing said original pressing plate and said hinge unit into contact in a rotation axial direction, wherein said press-fixing unit is capable of releasing a press-contact state.

PATENT**USSN: 10/077,638****Docket No. 1232-4821**

In the Applicants' January 30, 2006 Amendment And Request For Reconsideration, the press-fixing unit limitation in claim 1 was amended to specify:

a press-fixing unit adapted to prevent rotation between said hinge unit and said original pressing plate by pressing said original pressing plate and said hinge unit into contact in a rotation an axial direction parallel with said first and second axes, wherein said press-fixing unit is capable of releasing a press-contact state.

Accordingly, Applicants' attorney requested reconsideration of this rejection based on the pending claim language as presented in the January 30, 2006 Amendment.

Applicants also respectfully submit that the Examiner's Final Office Action was premature. As set forth in Section 706.07(a) of the Manual Of Patent Examining Procedure:

Under present practice, second or any subsequent actions on the merits shall be final, *except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 C.F.R. 1.97(c) with the fee set forth in 37 C.F.R. 1.17(p).* (emphasis added)

Here, the Examiner introduced a new ground of rejection under §102(e) based on the Hosaka reference, which was not disclosed in an information disclosure statement. Further, as explained below, the rejection under the Hosaka reference was not necessitated by Applicants' amendment of the claims because it was applied by the Examiner against the original claim language. In addition, the Examiner also introduced a new ground of rejection under §112 in the Final Office Action with regard to claim 10. Accordingly, Applicants again request that the Examiner withdraw this Final Rejection.

Rejections under 35 U.S.C. § 112

The Examiner rejected claim 10 under 35 U.S.C. § 112, second paragraph, on the grounds that the phrase "limitation member is projected in an opposite direction to a portion of said original pressing plate to press an original with respect to the first end of said

PATENT
USSN: 10/077,638

Docket No. 1232-4821

hinge unit" is indefinite. In response to this rejection, Applicants have amended claim 10 to clarify the claimed subject matter. Applicants respectfully submit that this amendment overcomes the rejection and that claim 10 is in condition for allowance.

Rejections under 35 U.S.C. § 102(e)

Claims 1 and 10-14 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Hosaka. Applicants traverse this rejection and respectfully submit that in no way are claims 1 and 10-14 anticipated by Hosaka.

With regard to claim 1, the Examiner asserted that Hosaka discloses an original pressing plate B, a hinge unit (4) and a press-fixing unit (9) "adapted to prevent rotation between said hinge unit and said original pressing plate (B) by pressing said original pressing plate and said hinge unit into contact in a rotation axial direction, when said press-fixing unit is capable of releasing a press-contact state."

As set forth in Applicants' Amendment dated January 30, 2006, claim 1 was amended to specify that the press-fixing unit presses "said original pressing plate and said hinge unit into contact in an axial direction parallel with said first and second axes." Hosaka does not disclose of a press-fixing unit that presses the original pressing plate and the hinge unit into contact in an axial direction parallel with the first and second axes. To the contrary, the disclosure in Hosaka cited by the Examiner at Figures 1 and 2 and column 5, lines 25-57 is directed to a coil spring 9 and cam slider 8 having an inclined cam part 8a, which presses against a pressure bearing pin 7 in a direction perpendicular to the axial direction parallel to the first and second axes. Accordingly, Applicants respectfully submit that claim 1 and dependent claims 10-14 are patentable over Hosaka and are in condition for allowance.

Allowable Subject Matter

The Examiner stated that claim 2-8 would be allowable if rewritten in independent form.

PATENT
USSN: 10/077,638

Docket No. 1232-4821

CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is respectfully requested.

AUTHORIZATION

While no fees or extension of time are believed necessary for this Amendment, should an extension of time be required for the timely submission of this paper, such extension is hereby petitioned, and the Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 1232-4821.

In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-4821.

Respectfully submitted,
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Dated: July 21, 2006

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